

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 07, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DIANNE SULLIVAN, individually
and on behalf of others similarly
situated,

Plaintiff,

v.

A & T FINANCIAL SERVICES,

Defendant.

NO: 2:23-CV-0323-TOR

ORDER OF DISMISSAL

Federal Rule of Civil Procedure 4 provides that a summons and complaint must be served upon each defendant within 90 days of filing. Rule 4(m) also governs the procedure that a district court must follow in the event that service is not completed within 90 days:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

1 On November 9, 2023, a Complaint was filed in this case. ECF No. 1. A
2 Summons was issued for Plaintiff the same day. ECF No. 2. On March 22, 2024,
3 the Court issued an Order for Plaintiff to show cause why this case should not be
4 dismissed for failure to properly and timely serve the Defendant. ECF No. 3.
5 Plaintiff filed a response on April 1, 2024 indicating that Defendant is evading
6 service of the summons and complaint and asking for additional time to effect
7 service and asking the Court to allow a different method for service. ECF No. 4.

8 It is now May 7, 2024 and Plaintiff has provided no proof of service and
9 Plaintiff's excuse for not serving timely does not establish good cause or excusable
10 neglect. Six months have passed. Thus, no "good cause" has been shown to
11 extend the time for service.

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 All claims and causes of action in this matter are **DISMISSED** without
14 prejudice.

15 The District Court Executive is hereby directed to enter this Order and
16 Judgment accordingly, furnish copies to Plaintiff, and **CLOSE** the file.

17 DATED May 7, 2024.



Thomas O. Rice
THOMAS O. RICE
United States District Judge